

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYLAND KIRKLAND,

Petitioner,

No. CIV S-02-1266 DFL CMK P

vs.

D.K. BUTLER, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 18, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.<sup>1</sup> Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-

<sup>1</sup> On March 3, 2005, petitioner filed a request for a copy of the findings and recommendations. On March 10, 2005, the court granted his request. However, on March 9, 2005, petitioner filed objections to the findings and recommendations, indicating that, despite his March 3, 2005 request, he was served with a copy.

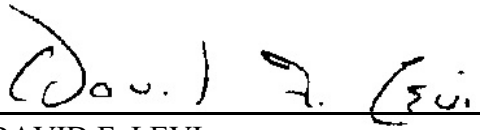
1 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
2 file, the court finds the findings and recommendations to be supported by the record and by  
3 proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed February 18, 2005, are adopted in  
6 full; and

7 2. Petitioner's application for a writ of habeas corpus is dismissed for failure to  
8 exhaust state remedies.

9 DATED: 9/26/2005

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13 DAVID F. LEVI  
14 United States District Judge  
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